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10 *Attorneys for Defendants*  
JANSSEN BIOTECH, INC.,  
11 JANSSEN ONCOLOGY, INC.,  
JANSSEN RESEARCH & DEVELOPMENT, LLC,  
12 and JOHNSON & JOHNSON

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA, STATES  
OF CALIFORNIA, COLORADO,  
17 CONNECTICUT, DELAWARE, FLORIDA,  
GEORGIA, HAWAII, ILLINOIS, INDIANA,  
18 IOWA, LOUISIANA, MICHIGAN,  
MINNESOTA, MONTANA, NEVADA,  
19 NEW JERSEY, NEW MEXICO, NEW  
YORK, NORTH CAROLINA, OKLAHOMA,  
20 RHODE ISLAND, TENNESSEE, TEXAS,  
VERMONT, AND WASHINGTON; THE  
COMMONWEALTHS OF  
21 MASSACHUSETTS AND VIRGINIA; and  
THE DISTRICT OF COLUMBIA,

22 *ex rel.* ZACHARY SILBERSHER,

23 Plaintiffs,

24 vs.

25 JANSSEN BIOTECH, INC., JANSSEN  
26 ONCOLOGY, INC., JANSSEN RESEARCH  
& DEVELOPMENT, LLC, and JOHNSON &  
27 JOHNSON,

28 Defendants.

Case No.: 3:17-cv-07250-JST

**DECLARATION OF MICHAEL J.  
BETTINGER IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS  
AMENDED COMPLAINT**

Judge: Hon. Jon S. Tigar

Date: May 16, 2019

Time: 2:00 PM

Place: Courtroom 9, 19th Floor, Phillip Burton  
Federal Building

1 I, Michael J. Bettinger, declare as follows:

2 1. I am an attorney at Sidley Austin LLP, counsel of record for Defendants Janssen  
3 Biotech, Inc., Janssen Oncology, Inc., Janssen Research and Development, LLC, and Johnson &  
4 Johnson in the above-captioned action. The facts set forth herein are personally known to me and if  
5 called as a witness, I could and would competently testify to them.

6 2. Attached hereto as **Appendix A** is a copy of an order and memorandum opinion  
7 entered on September 29, 2004, by the United States District Court for the Eastern District of  
8 Virginia in *U.S. ex rel. Promega Corp. v. Hoffman-La Roche, Inc.*, Case No. 03-1447-A. This  
9 opinion and order is not available on PACER, and was obtained from the docketing department at  
10 the Alexandria Division of the Eastern District of Virginia.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is  
12 true and correct. Executed this 25th day of February, 2019, at San Francisco, California.

13  
14 /s/ Michael J. Bettinger

15 Michael J. Bettinger  
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